

**Bullock, Deborah E.**

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**From:** Barnes-Anderson, Sherbonne  
**Sent:** Tuesday, November 14, 2006 3:30 PM  
**To:** DIAMS Update  
**Cc:** Sani, Babak S. ; Bullock, Deborah E.  
**Subject:** Due Diligence Status Report - 018865-001740US



This came up on the docket because we did not receive an action within six months of our last response, so I checked PAIR, and found that a Notice of Non-Responsive Amendment had been mailed to us on May 30, 2006. We never received it (attached). Since the last Office Action was non-final, we had one month from May 30 to respond. We should ask to have the period for response re-started in view of our non-receipt of the May 30 Notice.

Docketing, please docket the attached Notice, thanks.

This is where the due diligence procedures are paying off - in catching these kinds of problems before abandonment.



10630249.pdf (97  
KB)

Sherbonné Barnes-Anderson (ext. 4237)  
Prosecution Paralegal Supervisor  
Townsend and Townsend and Crew LLP, San Francisco  
sbanderson@townsend.com



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,249	07/30/2003	Brian Sze-Ki Mo	018865-001740US	9390

20350 7590 05/30/2006

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

HA, NATHAN W

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

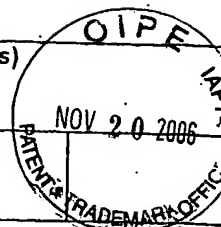
# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

Examiner

Applicant(s)

Art Unit



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 5/8/6 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

## THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other amendments to the specification must be entire paragraphs.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_
- ☒ 4. Amendments to the claims:
  - ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officflyer.pdf>.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

## Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE)

Telephone No.